

PROVIDING FOR THE CONSIDERATION OF H.R. 123, THE
ENGLISH LANGUAGE EMPOWERMENT ACT OF 1996

JULY 31, 1996.—Referred to the House Calendar and ordered to be printed

Mr. LINDER, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 499]

The Committee on Rules, having had under consideration House Resolution 499, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 123, the “English Language Empowerment Act of 1996” under a modified closed rule. The rule waives points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI (three day availability of committee reports).

The rule provides one hour of general debate equally divided between the chairman and ranking minority member of the Economic and Education Opportunities Committee. The rule further makes in order for the purpose of amendment an amendment in the nature of a substitute consisting of the text of H.R. 3898. The rule waives points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI (relating to germaneness).

The rule also provides for the consideration of the amendments printed in this report on the rule only in the order specified; if offered by the Member designated in the report; debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent; and which shall not be subject to amendment or a division of the question in the House or the Committee on the Whole. All points of order against the amendments printed in the report are waived. The rule also authorizes the Chair to postpone and cluster votes on amendments.

Finally, the rule provides for one motion to recommit, with or without instructions.

SUMMARY OF AMENDMENTS MADE IN ORDER BY THE RULE FOR THE
ENGLISH LANGUAGE EMPOWERMENT ACT (H.R. 123)

1. Cunningham—Clarifies that the bill does not affect Native American languages or the Individuals with Disabilities Act. Clarifies that the terms of art and phrases from foreign languages are permissible. The limitation to “documents” only is removed so that things other than documents are permissible in foreign languages (e.g., “E Pluribus Unum” on coins). (10 minutes)

2. Gutierrez—Would permit Members of Congress to communicate orally and in writing with their constituents in a language other than English while performing official business. (20 minutes)

3. Scott—Exempts the actions and documents that facilitate law enforcement efforts from the English-only provisions. (20 minutes)

4. Serrano—Allows persons not fluent in English the option, on initial assignment in the Armed Forces, of refusing assignment to a combat unit. (20 minutes)

5. Serrano—(An Amendment in the Nature of a Substitute) Sense of Congress that the U.S. Government should pursue policies that: (1) encourage all residents of this country to become fully proficient in English; (2) conserve and develop the Nation’s linguistic resources by encouraging all residents to learn or maintain skills in a language other than English; (3) assist Native Americans, Native Alaskans, Native Hawaiians, and other peoples indigenous to the United States; (4) continue to provide services in languages other than English as needed to facilitate access to essential functions of government, promote public health and safety, ensure due process, promote equal educational opportunity, and protect fundamental rights; and (5) recognize the importance of multilingualism to vital national interests and individual rights, and oppose restrictionist language measures. (60 minutes)

COMMITTEE VOTES

Pursuant to clause 2(1)(2)(B) of House rule XI the results of each rollcall vote on an amendment or motion to report, together with the names of those voting for and against, are printed below.

Rules Committee Rollcall No. 325

Date: July 31, 1996.

Measure: Rule for consideration of H.R. 123, the English Language Empowerment Act of 1996.

Motion by: Mr. Moakley.

Summary of motion: Make in order an amendment by Rep. Rangel to provide access to English training for all who seek it.

Results: Rejected, 3 to 6.

Vote by Members: Dreier—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Yea; McInnis—Nay; Greene—Nay; Moakley—Yea; Frost—Yea; Solomon—Nay.

Rules Committee Rollcall No. 326

Date: July 31, 1996.

Measure: Rule for consideration of H.R. 123, the English Language Empowerment Act of 1996.

Motion by: Mr. Moakley.

Summary of motion: Make in order the amendment by Reps. Conyers, Frank (MA), and Becerra to strike from the bill the repeal of the bilingual election requirements of the Voting Rights Act of 1965 and ensures that no other section of the bill eliminates bilingual election requirements.

Results: Rejected, 4 to 5.

Vote by Members: Dreier—Nay; Linder—Nay; Pryce—Yea; Diaz-Balart—Yea; McInnis—Nay; Greene—Nay; Moakley—Yea; Frost—Yea; Solomon—Nay.

AMENDMENTS MADE IN ORDER BY THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUNNINGHAM OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, after line 5, insert the following (and redesignate any subsequent paragraphs accordingly):

“(2) to limit the preservation or use of Native American languages;”.

Page 7, after line 3, insert the following (and redesignate any subsequent subparagraphs accordingly):

“(B) requirements under the Individuals with Disabilities Education Act;”.

Page 7, line 20, strike “documents that utilize” and insert “using”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GUTIERREZ OF ILLINOIS OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 6, line 1, strike “a Member of Congress or”.

Page 7, line 19, strike “or”.

Page 7, line 21, strike the period and insert “; or”.

Page 7, after line 21, insert the following:

“(1) an oral or written communication by a Member of Congress or the staff of such Member.”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCOTT OF VIRGINIA OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 7, after line 10, insert the following (and redesignate any subsequent subparagraphs accordingly):

“(D) actions or documents that facilitate law enforcement efforts;”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SERRANO OF NEW YORK OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 8, before line 4, insert the following new section:

SEC. 103 PROHIBITION AGAINST COMBAT DUTY FOR MEMBERS OF THE ARMED FORCES NOT FLUENT IN ENGLISH.

A member of the Armed Forces who is not fluent in the English language in accordance with section 165(a) may not be assigned to combat duty.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SERRANO OF NEW YORK OR A DESIGNEE, DEBATABLE FOR 60 MINUTES

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “English Plus Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) English is the primary language of the United States, and all members of the society recognize the importance of English to national life and individual accomplishment.

(2) Many residents of the United States speak native languages other than English, including many languages indigenous to this country, and these linguistic resources need to be conserved and developed.

(3) This Nation was founded on a commitment to democratic principles, and not on racial, ethnic, or religious homogeneity, and has drawn strength from a diversity of languages and cultures and from a respect for individual liberties.

(4) Multilingualism, or the ability to speak languages in addition to English, is a tremendous resource to the United States because such ability enhances American competitiveness in global markets by permitting improved communication and cross-cultural understanding between producers and suppliers, vendors and clients, and retailers and consumers.

(5) Multilingualism improves United States diplomatic efforts by fostering enhanced communication and greater understanding between nations.

(6) Multilingualism has historically been an essential element of national security, including the use of Native American languages in the development of coded communications during World War II, the Korean War, and the Vietnam War.

(7) Multilingualism promotes greater cross-cultural understanding between different racial and ethnic groups in the United States.

(8) There is no threat to the status of English in the United States, a language that is spoken by 97 percent of United States residents, according to the 1990 United States Census, and there is no need to designate any official United States language or to adopt similar restrictionist legislation.

(9) “English-only” measures, or proposals to designate English as the sole official language of the United States, would violate traditions of cultural pluralism, divide communities along ethnic lines, jeopardize the provision of law enforcement, public health, education, and other vital services to those whose English is limited, impair government efficiency, and undercut the national interest by hindering the development of

language skills needed to enhance international competitiveness and conduct diplomacy.

(10) Such “English-only” measures would represent an unwarranted Federal regulation of self-expression, abrogate constitutional rights to freedom of expression and equal protection of the laws, violate international human rights treaties to which the United States is a signatory, and contradict the spirit of the 1923 Supreme Court case *Meyer v. Nebraska*, wherein the Court declared that “The protection of the Constitution extends to all; to those who speak languages as well as to those born with English on the tongue.”.

SEC. 3. GOVERNMENT POLICIES.

The United States Government should pursue policies that promote English as the common language of the United States and that—

(1) encourage all residents of this country to become fully proficient in English by expanding educational opportunities and informational resources;

(2) conserve and develop the Nation’s linguistic resources by encouraging all residents of this country to learn or maintain skills in a language other than English;

(3) respect the treaties with and the customs of Native Americans, Native Alaskans, Native Hawaiians, and other peoples indigenous to the United States and its territories;

(4) continue to provide services in languages other than English as needed to facilitate access to essential functions of government, promote public health and safety, ensure due process, promote equal educational opportunity, and protect fundamental rights; and

(5) recognize the importance of multilingualism to vital American interests and individual rights, and oppose restrictionist language measures.